#21

OIPE JC103
OCT 04 2001
PATENT & TRADEMARK OFFICE

PATENT
22851.030-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:	Group Art Unit: 1645
WENYUAN SHI and MAXWELL H. ANDERSON	Examiner: R. ZEMAN
Serial No. 09/378,577	
Filed: August 20,1999	
For: METHOD FOR THE TREATMENT AND PREVENTION OF DENTAL CARIES	

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Los Angeles, California
October 5, 2001

CLAIM FOR BENEFIT OF FILING DATE OF EARLIER FILED APPLICATION

Hon. Commissioner
of Patents
Washington, D.C., 20231

Sir:

Pursuant to 37 C.F.R. § 1.78(a)(3) and (5), applicants respectfully request that the above captioned United States patent application be amended to recite that the it claims the benefit of the filing date of United States provisional application serial number 60/102,179 filed September 28, 1999. Together with their request, applicants enclose their check in the amount of $1240 in payment of the surcharge therefore. 37 C.F.R. §§ 1.78((2)(i) and 1.17(t), and a statement that the entire delay between the date the claim was due under paragraph (a)(2) of this section and the date the claim was filed was unintentional. 27 C.F.R. § 1.78(3)(ii).

10/11/2001 GTEFFERA 00000024 09378577
01 FC:091 1280.00 OP
Adjustment date: 04/03/2002 EEKUBAY1
10/11/2001 GTEFFERA 00000024 09378577
01 FC:091 40423549.1 -1280.00 OP

The above-captioned application was filed August 20, 1999. An application for a regular United States patent based on the disclosure of provisional application United States serial number 60/102,179 filed the same day. Prof. Wenyuan Shi is an inventor of the '179 provisional application and the present application. Thus the requirement for co-pendency and at least one common inventor are met. Further, the entire delay between the date the Claim was due under 37 C.F.R.§ 1.78(a)(2), namely December 20, 2000, and the date of filing of the present Claim was unintentional.

Respectfully submitted,

MANATT, PHELPS & PHILLIPS, LLP
Attorneys for Applicants

By: David J Meyer
David J. Meyer
Registration Number 33,425

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OCT 04 2001
PATENT & TRADEMARK OFFICE JC103

10-09-01

DAC
RCE

PTO/SB/30 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
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1645
#16

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/378,577
Filing Date	August 20, 1999
First Named Inventor	Wenyuan Shi
Group Art Unit	1645
Examiner Name	Zeman
Attorney Docket Number	22851-030

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: *37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA.* See *Changes to Application Examination and Provisional Application Practice*, Final Rule, 65 *Fed. Reg.* 50092 (Aug. 16, 2000); Interim Rule, 65 *Fed. Reg.* 14865 (Mar. 20, 2000), 1233 *Off. Gaz. Pat. Office* 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

a. ☐ Previously submitted
 i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
 (Any unentered amendment(s) referred to above will be entered).
 ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 iii. ☐ Other _____

b. ☐ Enclosed
 i. ☐ Amendment/Reply
 ii. ☐ Affidavit(s)/Declaration(s)
 iii. ☒ Information Disclosure Statement (IDS)
 iv. ☐ Other _____

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Repln. Ref: 04/03/2002 EEKUBAY1 0015062100
DA#:071896 Name/Number:09378577
FC: 704 $1170.00 CR

04/03/2002 EEKUBAY1 00000001 09378577
01 FC:179 740.00 OP

2. Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) **required**)

b. ☐ Other _____

3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No._____
 i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)
 ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
 iii. ☐ Other _____

10/11/2001 GTEFFERA 00000025 09378577
01 FC:197 630.00 OP

b. ☒ Check in the amount of $ 710.00 enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	David J. Meyer	Registration No. (Attorney/Agent)	33,425
Signature	David J. Meyer	Date	October 5, 2001

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type)	Axel Perez		
Signature	Axel C. Perez	Date	October 5, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.

Adjustment date: 04/03/2002 EEKUBAY1
10/11/2001 GTEFFERA 00000025 09378577
01 FC:197 -630.00 OP

EL639118069US

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OCT 04 2001
JC103
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the patent application of:
WENYUAN SHI, ET AL.

Serial No. 09/378,577

Filed: August 20, 1999

For: METHOD FOR THE TREATMENT AND PREVENTION OF DENTAL CARIES

Group Art Unit: 3732

Examiner: R. Zeman

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Los Angeles, California
October 5, 2001

CERTIFICATE OF MAILING

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Washington D.C. 20231

I hereby certify that a Petition for Revival of Patent Application, Request for Customer Number, Change of Correspondence Address Application, Request for Continued Examination (RCE), Check No. 242432 in the amount of **$1,240.00**, Check No. 242434 in the amount of **$710.00**, Claim for Benefit of Filing Date of Earlier Application, Information Disclosure Statement and cited documents, Check No. 243316 in the amount of **$1,240.00** and return postcard are being deposited with the United States Postal Service; postage prepaid, Express Mail No. **EL639118069US** on the date indicated below and addressed to: the *Hon. Assistant Commissioner for Patents, Washington, D.C. 20231.*

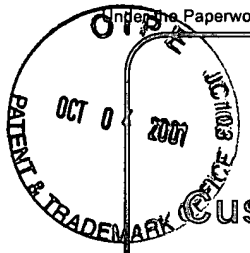
October 5, 2001
(Date of Deposit)

Axel O. Perez
(Name of Depositor)

Axel O. Perez
(Signature)

Please type a plus sign (+) inside this box → +

PTO/SB/125A (08-00)
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Firm *or* Individual Name	Manatt, Phelps & Phillips, LLP				
Address	11355 West Olympic Boulevard				
Address					
City	Los Angeles	State	CA	ZIP	90064
Country	U.S.A.				
Telephone	(310) 312-4000	Fax	(310) 312-4224		

Please associate the following practitioner registration number(s)with the Customer Number assigned to the Correspondence Address cited above.

33,425				
38,861				
40,666				

☐ Additional practitioner registration numbers are listed on supplemental sheet(s) attached hereto

Request Submitted by:

Firm Name (if applicable)	Manatt, Phelps & Phillips, LLP		
Name of person submitting request	David J. Meyer		
Signature	David J Meyer		
Telephone Number	310 312 4161	Date	October 5, 2001

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Washington, D.C. 20231

NOTICE OF PARTIAL FEE / FEE DUE

Date: 10/10/01

To: DAC

From: RAM Team, Office of Initial Patent Examination,

Subject: Fee Due

Application Number 09/378577

The attached document was submitted with an insufficient fee. The Office of Initial Patent Examination has posted the fee submitted to the suspended fee code, 197. Please check the application for the appropriate authorization to charge a deposit account. If present, delivery a copy of the authorization, this form and the applicants submission to the Office of Initial Patent Examination, RAM Team, CP2-6C12. If an authorization is not present, notify the applicant of the fee deficiency.

The correct fee, code: 179	amount	$	740
The suspended fee code: 197	amount	- $	630
Fee due	amount	= $	110

It is the Group's responsibility to collect the balance of the fee due and ensure that the total fee is posted to the correct fee code upon receipt of the balance due before providing the requested service.

Please direct any questions you may have to Joyce Gunter-Warren at 308-3616.